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September 15, 2003

TO: Examiner Myers (TC1600)

GROUP: 1634

FAX NUMBER: 703-872-9307

ATTORNEY DOCKET NO.: DEX-0154

SERIAL NO.: 09/762,027

FILED: August 6, 2001

NUMBER OF PAGES: 5

MESSAGE: Attached please find General Transmittal Letter (in duplicate) with authorization to charge deposit account \$110.00 for disclaimer filing fee; Terminal Disclaimer under 37 C.F.R. 1.20(d); and Certificate of Transmission by Facsimile.

Kathleen A. Tyrrell, Registration No. 38,350

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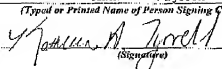
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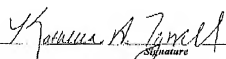
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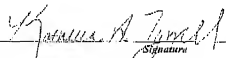
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CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)			Docket No. DEX-0154	
Applicant(s): Sun et al				
Serial No. 09/762,027	Filing Date August 6, 2001	Examiner Myers, Carla J.	Group Art Unit 1634	
Invention: A Novel Method of Diagnosing, Monitoring, Staging, Imaging and Treating Breast Cancer				
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I hereby certify that this _____ Terminal Disclaimer under C.F.R. 1.20(d) _____ (Identify type of correspondence)				
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TRANSMITTAL LETTER (General - Patent Pending)			Docket No. DEX-0154	
In Re Application Of: Sun et al.				
Serial No. 09/762,027	Filing Date August 6, 2001	Examiner Myers, Carla J.	Group Art Unit 1634	
Title: A Novel Method of Diagnosing, Monitoring, Staging, Imaging and Treating Breast Cancer				
<u>TO THE COMMISSIONER FOR PATENTS:</u>				
Transmitted herewith is: Terminal Disclaimer under 37 CFR 1.20(d) Certificate of Transmittal by Facsimile				
in the above identified application.				
<input type="checkbox"/> No additional fee is required.				
<input type="checkbox"/> A check in the amount of _____ is attached.				
<input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. 50-1619 as described below.				
<input checked="" type="checkbox"/> Charge the amount of \$110.00				
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<input checked="" type="checkbox"/> Charge any additional fee required.				
 _____ Signature		Dated: September 15, 2003		
Kathleen A. Tyrrell, Reg. No. 38,350				
Licata & Tyrrell P.C. 66 East Main Street Marlton, New Jersey 08053 Tel : 856-810-1515 Fax: 856-810-1454				
<div style="border: 1px solid black; padding: 5px;"><p>I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</p><p>_____ Signature of Person Mailing Correspondence</p><p>_____ Typed or Printed Name of Person Mailing Correspondence</p></div>				
CC:				

P18A/REV01

TRANSMITTAL LETTER (General - Patent Pending)			Docket No. DEX-0154
In Re Application Of: Sun et al.			
Serial No. 09/762,027	Filing Date August 6, 2001	Examiner Myers, Carla J.	Group Art Unit 1634
Title: A Novel Method of Diagnosing, Monitoring, Staging, Imaging and Treating Breast Cancer			
<p style="text-align: center;"><u>TO THE COMMISSIONER FOR PATENTS:</u></p> <p>Transmitted herewith is: Terminal Disclaimer under 37 CFR 1.20(d) Certificate of Transmittal by Facsimile</p> <p style="text-align: right;">RECEIVED CENTRAL FAX CENTER SEP 15 2003</p> <p>in the above identified application.</p> <p><input type="checkbox"/> No additional fee is required. <input type="checkbox"/> A check in the amount of _____ is attached. <input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. 50-1619 as described below.</p> <p><input checked="" type="checkbox"/> Charge the amount of \$110.00 <input checked="" type="checkbox"/> Credit any overpayment. <input checked="" type="checkbox"/> Charge any additional fee required.</p> <p style="text-align: right;">OFFICIAL</p> <p> _____ Kathleen A. Tyrrell, Reg. No. 38,350</p> <p>Licata & Tyrrell P.C. 66 East Main Street Marlton, New Jersey 08053 Tel : 856-810-1515 Fax: 856-810-1454</p> <p>Dated: September 15, 2003</p> <p>CC:</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"><p>I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.6 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</p><p>_____ Signature of Person Mailing Correspondence</p><p>_____ Typed or Printed Name of Person Mailing Correspondence</p></div>			

**TERMINAL DISCLAIMER TO OBTAIN A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PENDING SECOND APPLICATION**

Docket No.

DEX-0154

In re Application of: **Sun et al.**
 Application No. **09/762,027**
 Filed: **August 6, 2001**
 For: **A Novel Method of Diagnosing, Monitoring, Staging, Imaging and Treating Breast Cancer**

The owner, **diaDexus, Inc.**, of **100.00** percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number **09/664,249** filed on **September 13, 2000**.
 The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant; in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.
 3. Owner/applicant is ☐ Small entity ☒ Large entity

The terminal disclaimer fee under 37 CFR 1.20(d) is _____ and is to be paid as follows:

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☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number **50-1619**.

PTO suggested wording for terminal disclaimer was

☒ unchanged. ☐ changed (if changed, an explanation should be supplied.)

Kathleen A. Tyrrell
 Signature

Dated: **September 15, 2003**

Name and Address of Person Signing

Kathleen A. Tyrrell, Reg. No. 38, 350

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66 East Main Street
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P20/REV01